

105TH CONGRESS
2D SESSION

S. 1397

AN ACT

To establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Centennial of Flight
5 Commemoration Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) December 17, 2003, is the 100th anniver-
4 sary of the first successful manned, free, controlled,
5 and sustained flight by a power-driven, heavier-than-
6 air machine;

7 (2) the first flight by Orville and Wilbur Wright
8 represents the fulfillment of the age-old dream of
9 flying;

10 (3) the airplane has dramatically changed the
11 course of transportation, commerce, communication,
12 and warfare throughout the world;

13 (4) the achievement by the Wright brothers
14 stands as a triumph of American ingenuity, inven-
15 tiveness, and diligence in developing new tech-
16 nologies, and remains an inspiration for all Ameri-
17 cans;

18 (5) it is appropriate to remember and renew the
19 legacy of the Wright brothers at a time when the
20 values of creativity and daring represented by the
21 Wright brothers are critical to the future of the Na-
22 tion; and

23 (6) as the Nation approaches the 100th anni-
24 versary of powered flight, it is appropriate to cele-
25 brate and commemorate the centennial year through

1 local, national, and international observances and ac-
2 tivities.

3 **SEC. 3. ESTABLISHMENT.**

4 There is established a commission to be known as the
5 Centennial of Flight Commission.

6 **SEC. 4. MEMBERSHIP.**

7 (a) NUMBER AND APPOINTMENT.—The Commission
8 shall be composed of 6 members, as follows:

9 (1) The Director of the National Air and Space
10 Museum of the Smithsonian Institution or his des-
11 ignee.

12 (2) The Administrator of the National Aero-
13 nautics and Space Administration or his designee.

14 (3) The chairman of the First Flight Centen-
15 nial Foundation of North Carolina, or his designee.

16 (4) The chairman of the 2003 Committee of
17 Ohio, or his designee.

18 (5) As chosen by the Commission, the president
19 or head of a United States aeronautical society,
20 foundation, or organization of national stature or
21 prominence who will be a person from a State other
22 than Ohio or North Carolina.

23 (6) The Administrator of the Federal Aviation
24 Administration, or his designee.

1 (b) VACANCIES.—Any vacancy in the Commission
2 shall be filled in the same manner in which the original
3 designation was made.

4 (c) COMPENSATION.—

5 (1) PROHIBITION OF PAY.—Except as provided
6 in paragraph (2), members of the Commission shall
7 serve without pay or compensation.

8 (2) TRAVEL EXPENSES.—The Commission may
9 adopt a policy, only by unanimous vote, for members
10 of the Commission and related advisory panels to re-
11 ceive travel expenses, including per diem in lieu of
12 subsistence. The policy may not exceed the levels es-
13 tablished under sections 5702 and 5703 of title 5,
14 United States Code. Members who are Federal em-
15 ployees shall not receive travel expenses if otherwise
16 reimbursed by the Federal Government.

17 (d) QUORUM.—Three members of the Commission
18 shall constitute a quorum.

19 (e) CHAIRPERSON.—The Commission shall select a
20 Chairperson of the Commission from the members des-
21 ignated under subsection (a) (1), (2), or (5). The Chair-
22 person may not vote on matters before the Commission
23 except in the case of a tie vote. The Chairperson may be
24 removed by a vote of a majority of the Commission's mem-
25 bers.

1 (f) ORGANIZATION.—No later than 90 days after the
2 date of enactment of this Act, the Commission shall meet
3 and select a Chairperson, Vice Chairperson, and Executive
4 Director.

5 **SEC. 5. DUTIES.**

6 (a) IN GENERAL.—The Commission shall—

7 (1) represent the United States and take a
8 leadership role with other nations in recognizing the
9 importance of aviation history in general and the
10 centennial of powered flight in particular, and pro-
11 mote participation by the United States in such ac-
12 tivities;

13 (2) encourage and promote national and inter-
14 national participation and sponsorships in com-
15 memoration of the centennial of powered flight by
16 persons and entities such as—

17 (A) aerospace manufacturing companies;

18 (B) aerospace-related military organiza-
19 tions;

20 (C) workers employed in aerospace-related
21 industries;

22 (D) commercial aviation companies;

23 (E) general aviation owners and pilots;

24 (F) aerospace researchers, instructors, and
25 enthusiasts;

1 (G) elementary, secondary, and higher edu-
2 cational institutions;

3 (H) civil, patriotic, educational, sporting,
4 arts, cultural, and historical organizations and
5 technical societies;

6 (I) aerospace-related museums; and

7 (J) State and local governments;

8 (3) plan and develop, in coordination with the
9 First Flight Centennial Commission, the First
10 Flight Centennial Foundation of North Carolina,
11 and the 2003 Committee of Ohio, programs and ac-
12 tivities that are appropriate to commemorate the
13 100th anniversary of powered flight;

14 (4) maintain, publish, and distribute a calendar
15 or register of national and international programs
16 and projects concerning, and provide a central clear-
17 inghouse for, information and coordination regard-
18 ing, dates, events, and places of historical and com-
19 memorative significance regarding aviation history in
20 general and the centennial of powered flight in par-
21 ticular;

22 (5) provide national coordination for celebration
23 dates to take place throughout the United States
24 during the centennial year;

1 (6) assist in conducting educational, civic, and
2 commemorative activities relating to the centennial
3 of powered flight throughout the United States, es-
4 pecially activities that occur in the States of North
5 Carolina and Ohio and that highlight the activities
6 of the Wright brothers in such States; and

7 (7) encourage the publication of popular and
8 scholarly works related to the history of aviation or
9 the anniversary of the centennial of powered flight.

10 (b) NONDUPLICATION OF ACTIVITIES.—The Com-
11 mission shall attempt to plan and conduct its activities
12 in such a manner that activities conducted pursuant to
13 this Act enhance, but do not duplicate, traditional and es-
14 tablished activities of Ohio’s 2003 Committee, North
15 Carolina’s First Flight Centennial Commission, the First
16 Flight Centennial Foundation, or any other organization
17 of national stature or prominence.

18 **SEC. 6. POWERS.**

19 (a) ADVISORY COMMITTEES AND TASK FORCES.—

20 (1) IN GENERAL.—The Commission may ap-
21 point any advisory committee or task force from
22 among the membership of the Advisory Board in
23 section 12.

24 (2) FEDERAL COOPERATION.—To ensure the
25 overall success of the Commission’s efforts, the Com-

1 mission may call upon various Federal departments
2 and agencies to assist in and give support to the
3 programs of the Commission. The head of the Fed-
4 eral department or agency, where appropriate, shall
5 furnish the information or assistance requested by
6 the Commission, unless prohibited by law.

7 (3) PROHIBITION OF PAY OTHER THAN TRAVEL
8 EXPENSES.—Members of an advisory committee or
9 task force authorized under paragraph (1) shall not
10 receive pay, but may receive travel expenses pursu-
11 ant to the policy adopted by the Commission under
12 section 4(c)(2).

13 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
14 ber or agent of the Commission may, if authorized by the
15 Commission, take any action that the Commission is au-
16 thorized to take under this Act.

17 (c) AUTHORITY TO PROCURE AND TO MAKE LEGAL
18 AGREEMENTS.—

19 (1) IN GENERAL.—Notwithstanding any other
20 provision in this Act, only the Commission may pro-
21 cure supplies, services, and property, and make or
22 enter into leases and other legal agreements in order
23 to carry out this Act.

24 (2) RESTRICTION.—

1 (A) IN GENERAL.—A contract, lease, or
2 other legal agreement made or entered into by
3 the Commission may not extend beyond the
4 date of the termination of the Commission.

5 (B) FEDERAL SUPPORT.—The Commission
6 shall obtain property, equipment, and office
7 space from the General Services Administration
8 or the Smithsonian Institution, unless other of-
9 fice space, property, or equipment is less costly.

10 (3) SUPPLIES AND PROPERTY POSSESSED BY
11 COMMISSION AT TERMINATION.—Any supplies and
12 property, except historically significant items, that
13 are acquired by the Commission under this Act and
14 remain in the possession of the Commission on the
15 date of the termination of the Commission shall be-
16 come the property of the General Services Adminis-
17 tration upon the date of termination.

18 (d) MAILS.—The Commission may use the United
19 States mails in the same manner and under the same con-
20 ditions as any other Federal agency.

21 **SEC. 7. STAFF AND SUPPORT SERVICES.**

22 (a) EXECUTIVE DIRECTOR.—There shall be an Exec-
23 utive Director appointed by the Commission and chosen
24 from among detailees from the agencies and organizations
25 represented on the Commission. The Executive Director

1 may be paid at a rate not to exceed the maximum rate
2 of basic pay payable for the Senior Executive Service.

3 (b) STAFF.—The Commission may appoint and fix
4 the pay of any additional personnel that it considers ap-
5 propriate, except that an individual appointed under this
6 subsection may not receive pay in excess of the maximum
7 rate of basic pay payable for GS-14 of the General Sched-
8 ule.

9 (c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE
10 LAWS.—The Executive Director and staff of the Commis-
11 sion may be appointed without regard to the provisions
12 of title 5, United States Code, governing appointments in
13 the competitive service, and may be paid without regard
14 to the provisions of chapter 51 and subchapter III of chap-
15 ter 53 of such title, relating to classification and General
16 Schedule pay rates, except as provided under subsections
17 (a) and (b) of this section.

18 (d) MERIT SYSTEM PRINCIPLES.—The appointment
19 of the Executive Director or any personnel of the Commis-
20 sion under subsection (a) or (b) shall be made consistent
21 with the merit system principles under section 2301 of
22 title 5, United States Code.

23 (e) STAFF OF FEDERAL AGENCIES.—Upon request
24 by the Chairperson of the Commission, the head of any
25 Federal department or agency may detail, on either a non-

1 reimbursable or reimbursable basis, any of the personnel
2 of the department or agency to the Commission to assist
3 the Commission to carry out its duties under this Act.

4 (f) ADMINISTRATIVE SUPPORT SERVICES.—

5 (1) REIMBURSABLE SERVICES.—The Secretary
6 of the Smithsonian Institution may provide to the
7 Commission on a reimbursable basis any administra-
8 tive support services that are necessary to enable the
9 Commission to carry out this Act.

10 (2) NONREIMBURSABLE SERVICES.—The Sec-
11 retary may provide administrative support services
12 to the Commission on a nonreimbursable basis when,
13 in the opinion of the Secretary, the value of such
14 services is insignificant or not practical to determine.

15 (g) COOPERATIVE AGREEMENTS.—The Commission
16 may enter into cooperative agreements with other Federal
17 agencies, State and local governments, and private inter-
18 ests and organizations that will contribute to public aware-
19 ness of and interest in the centennial of powered flight
20 and toward furthering the goals and purposes of this Act.

21 (h) PROGRAM SUPPORT.—The Commission may re-
22 ceive program support from the non-profit sector.

23 **SEC. 8. CONTRIBUTIONS.**

24 (a) DONATIONS.—The Commission may accept dona-
25 tions of personal services and historic materials relating

1 to the implementation of its responsibilities under the pro-
2 visions of this Act.

3 (b) VOLUNTEER SERVICES.—Notwithstanding sec-
4 tion 1342 of title 31, United States Code, the Commission
5 may accept and use voluntary and uncompensated services
6 as the Commission determines necessary.

7 (c) REMAINING FUNDS.—Any funds (including funds
8 received from licensing royalties) remaining with the Com-
9 mission on the date of the termination of the Commission
10 may be used to ensure proper disposition, as specified in
11 the final report required under section 10(b), of histori-
12 cally significant property which was donated to or ac-
13 quired by the Commission. Any funds remaining after
14 such disposition shall be transferred to the Secretary of
15 the Treasury for deposit into the general fund of the
16 Treasury of the United States.

17 **SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS,**
18 **SEALS, AND MARKS.**

19 (a) IN GENERAL.—The Commission may devise any
20 logo, emblem, seal, or descriptive or designating mark that
21 is required to carry out its duties or that it determines
22 is appropriate for use in connection with the commemora-
23 tion of the centennial of powered flight.

24 (b) LICENSING.—The Commission shall have the sole
25 and exclusive right to use, or to allow or refuse the use

1 of, the name “Centennial of Flight Commission” on any
2 logo, emblem, seal, or descriptive or designating mark that
3 the Commission lawfully adopts.

4 (c) EFFECT ON OTHER RIGHTS.—No provision of
5 this section may be construed to conflict or interfere with
6 established or vested rights.

7 (d) USE OF FUNDS.—Funds from licensing royalties
8 received pursuant to this section shall be used by the Com-
9 mission to carry out the duties of the Commission speci-
10 fied by this Act.

11 (e) LICENSING RIGHTS.—All exclusive licensing
12 rights, unless otherwise specified, shall revert to the Air
13 and Space Museum of the Smithsonian Institution upon
14 termination of the Commission.

15 **SEC. 10. REPORTS.**

16 (a) ANNUAL REPORT.—In each fiscal year in which
17 the Commission is in existence, the Commission shall pre-
18 pare and submit to Congress a report describing the ac-
19 tivities of the Commission during the fiscal year. Each an-
20 nual report shall also include—

21 (1) recommendations regarding appropriate ac-
22 tivities to commemorate the centennial of powered
23 flight, including—

1 (A) the production, publication, and dis-
2 tribution of books, pamphlets, films, and other
3 educational materials;

4 (B) bibliographical and documentary
5 projects and publications;

6 (C) conferences, convocations, lectures,
7 seminars, and other similar programs;

8 (D) the development of exhibits for librar-
9 ies, museums, and other appropriate institu-
10 tions;

11 (E) ceremonies and celebrations commemo-
12 rating specific events that relate to the history
13 of aviation;

14 (F) programs focusing on the history of
15 aviation and its benefits to the United States
16 and humankind; and

17 (G) competitions, commissions, and awards
18 regarding historical, scholarly, artistic, literary,
19 musical, and other works, programs, and
20 projects related to the centennial of powered
21 flight;

22 (2) recommendations to appropriate agencies or
23 advisory bodies regarding the issuance of commemo-
24 rative coins, medals, and stamps by the United

1 States relating to aviation or the centennial of pow-
2 ered flight;

3 (3) recommendations for any legislation or ad-
4 ministrative action that the Commission determines
5 to be appropriate regarding the commemoration of
6 the centennial of powered flight;

7 (4) an accounting of funds received and ex-
8 pended by the Commission in the fiscal year that the
9 report concerns, including a detailed description of
10 the source and amount of any funds donated to the
11 Commission in the fiscal year; and

12 (5) an accounting of any cooperative agree-
13 ments and contract agreements entered into by the
14 Commission.

15 (b) FINAL REPORT.—Not later than June 30, 2004,
16 the Commission shall submit to the President and Con-
17 gress a final report. The final report shall contain—

18 (1) a summary of the activities of the Commis-
19 sion;

20 (2) a final accounting of funds received and ex-
21 pended by the Commission;

22 (3) any findings and conclusions of the Com-
23 mission; and

24 (4) specific recommendations concerning the
25 final disposition of any historically significant items

1 acquired by the Commission, including items do-
2 nated to the Commission under section 8(a)(1).

3 **SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.**

4 (a) IN GENERAL.—

5 (1) AUDIT.—The Comptroller General of the
6 United States shall audit on an annual basis the fi-
7 nancial transactions of the Commission, including fi-
8 nancial transactions involving donated funds, in ac-
9 cordance with generally accepted auditing standards.

10 (2) ACCESS.—In conducting an audit under
11 this section, the Comptroller General—

12 (A) shall have access to all books, ac-
13 counts, financial records, reports, files, and
14 other papers, items, or property in use by the
15 Commission, as necessary to facilitate the audit;
16 and

17 (B) shall be afforded full facilities for veri-
18 fying the financial transactions of the Commis-
19 sion, including access to any financial records
20 or securities held for the Commission by deposi-
21 tories, fiscal agents, or custodians.

22 (b) FINAL REPORT.—Not later than September 30,
23 2004, the Comptroller General of the United States shall
24 submit to the President and to Congress a report detailing

1 the results of any audit of the financial transactions of
2 the Commission conducted by the Comptroller General.

3 **SEC. 12. ADVISORY BOARD.**

4 (a) ESTABLISHMENT.—There is established a First
5 Flight Centennial Federal Advisory Board.

6 (b) NUMBER AND APPOINTMENT.—

7 (1) IN GENERAL.—The Board shall be com-
8 posed of 19 members as follows:

9 (A) The Secretary of the Interior, or the
10 designee of the Secretary.

11 (B) The Librarian of Congress, or the des-
12 ignee of the Librarian.

13 (C) The Secretary of the Air Force, or the
14 designee of the Secretary.

15 (D) The Secretary of the Navy, or the des-
16 ignee of the Secretary.

17 (E) The Secretary of Transportation, or
18 the designee of the Secretary.

19 (F) Six citizens of the United States, ap-
20 pointed by the President, who—

21 (i) are not officers or employees of
22 any government (except membership on
23 the Board shall not be construed to apply
24 to the limitation under this clause); and

1 (ii) shall be selected based on their ex-
2 perience in the fields of aerospace history,
3 science, or education, or their ability to
4 represent the entities enumerated under
5 section 5(a)(2).

6 (G) Four citizens of the United States, ap-
7 pointed by the majority leader of the Senate in
8 consultation with the minority leader of the
9 Senate.

10 (H) Four citizens of the United States, ap-
11 pointed by the Speaker of the House of Rep-
12 resentatives in consultation with the minority
13 leader of the House of Representatives. Of the
14 individuals appointed under this subpara-
15 graph—

16 (i) one shall be selected from among
17 individuals recommended by the represent-
18 ative whose district encompasses the
19 Wright Brothers National Memorial; and

20 (ii) one shall be selected from among
21 individuals recommended by the represent-
22 atives whose districts encompass any part
23 of the Dayton Aviation Heritage National
24 Historical Park.

1 (c) VACANCIES.—Any vacancy in the Advisory Board
2 shall be filled in the same manner in which the original
3 designation was made.

4 (d) MEETINGS.—Seven members of the Advisory
5 Board shall constitute a quorum for a meeting. All meet-
6 ings shall be open to the public.

7 (e) CHAIRPERSON.—The President shall designate 1
8 member appointed under subsection (b)(1)(F) as chair-
9 person of the Advisory Board.

10 (f) MAILS.—The Advisory Board may use the United
11 States mails in the same manner and under the same con-
12 ditions as a Federal agency.

13 (g) DUTIES.—The Advisory Board shall advise the
14 Commission on matters related to this Act.

15 (h) PROHIBITION OF COMPENSATION OTHER THAN
16 TRAVEL EXPENSES.—Members of the Advisory Board
17 shall not receive pay, but may receive travel expenses pur-
18 suant to the policy adopted by the Commission under sec-
19 tion 4(e).

20 (i) TERMINATION.—The Advisory Board shall termi-
21 nate upon the termination of the Commission.

22 **SEC. 13. DEFINITIONS.**

23 For purposes of this Act:

24 (1) The term “Advisory Board” means the Cen-
25 tennial of Flight Federal Advisory Board.

1 (2) The term “centennial of powered flight”
2 means the anniversary year, from December 2002 to
3 December 2003, commemorating the 100-year his-
4 tory of aviation beginning with the First Flight and
5 highlighting the achievements of the Wright brothers
6 in developing the technologies which have led to the
7 development of aviation as it is known today.

8 (3) The term “Commission” means the Centen-
9 nial of Flight Commission.

10 (4) The term “designee” means a person from
11 the respective entity of each entity represented on
12 the Commission or Advisory Board.

13 (5) The term “First Flight” means the first
14 four successful manned, free, controlled, and sus-
15 tained flights by a power-driven, heavier-than-air
16 machine, which were accomplished by Orville and
17 Wilbur Wright of Dayton, Ohio on December 17,
18 1903 at Kitty Hawk, North Carolina.

19 **SEC. 14. TERMINATION.**

20 The Commission shall terminate not later than 60
21 days after the submission of the final report required by
22 section 10(b) and shall transfer all documents and mate-
23 rial to the National Archives or other appropriate Federal
24 entity.

1 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this Act \$250,000 for fiscal year 1999, \$600,000 for fiscal
4 year 2000, \$750,000 for fiscal year 2001, \$900,000 for
5 fiscal year 2002, \$900,000 for fiscal year 2003, and
6 \$600,000 for fiscal year 2004.

Passed the Senate September 22, 1998.

Attest:

Secretary.

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To establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.